

United States Department of Justice  
Office of the United States Trustee  
1100 Commerce St. Room 976  
Dallas, Texas 75242  
(214) 767-1080

Lisa L. Lambert,  
For the United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>In Re:</b>	§	
	§	<b>Case No: 17-42560-MXM-7</b>
<b>Harley Reginald McDaniel, Sr.,</b>	§	
	§	<b>Hearing:</b>
	§	
<b>Debtor.</b>	§	

**Stipulation of Dismissal in Connection with United States Trustee's  
Motion to Dismiss Case Under 11 U.S.C. § 707(a)**

TO THE HONORABLE MARK X. MULLIN,  
UNITED STATES BANKRUPTCY JUDGE:

The United States Trustee for Region 6 (the "U.S. Trustee"), Harley Reginald McDaniel, Sr. (the "Debtor"), and Mannatech, Inc. ("Mannatech") stipulate to the dismissal of the United States Trustee's Motion to Dismiss under 11 U.S.C. § 707(a) (Dismissal Motion") *Docket Entry 17, filed 08/25/2017*. In support the parties represent as follows:

**Statement of Facts**

1. Harley Reginald McDaniel, Sr. ("Debtor") filed his voluntary chapter 7 bankruptcy petition, schedules, and statements on June 20, 2017. The Debtor is an 81-year old retired pathologist.
2. On August 25, 2017, the United States Trustee filed the Dismissal Motion.
3. On September 14, 2017, Mannatech, Inc., one of the Debtor's creditors, filed a response to the Dismissal Motion. *Docket Entry 27*.

4. On September 15, 2017, the Debtor objected to the Dismissal Motion. *Docket Entry 30*.

5. Neither Mannatech nor the Debtor made any claims or sought any affirmative relief in their responses to the Dismissal Motion.

6. On September 20, 2017, the Court conducted a hearing on the Dismissal Motion. The United States Trustee, Mannatech, and the Debtor participated. No other party-in-interest appeared. The Court took the issue under advisement.

7. No class action, derivative action, or unincorporated association is a party to the Dismissal Motion or the bankruptcy case. *Fed. R. Civ. P. 41(a)(1)(A), made applicable under Fed. R. Bankr. P. 7041 and Fed. R. Bankr. P. 9014*.

8. No complaint objecting to discharge is pending. *Fed. R. Bankr. P. 7041*.

9. The United States Trustee stipulates to dismissal of his Dismissal Motion.

10. The stipulation is with prejudice to raising the identical factual and legal allegations raised in the Dismissal Motion.

11. Accordingly, any subsequently-filed motion to dismiss must allege new, additional omissions or inaccuracies in bankruptcy filings, disclosures, or testimony.

12. A party-in-interest may use the facts raised in the Dismissal Motion to establish the cumulative nature of omissions and inaccuracies and therefore evidence a finding of materiality or “cause” to dismiss.

13. Within five (5) days from the date of the filing of this Stipulation, the parties agree to propose an agreed order clarifying that the deadlines for objections to exemptions and dischargeability of debt expire Monday, November 13, 2017.

14. As reflected by the signatures below, Mannatech and the Debtor consent to dismissal of the Dismissal Motion.

**Applicable Law**

15. Under Fed. R. Bankr. P. 7041(a)(1)(A), the United States Trustee may dismiss his Dismissal Motion “without a court order” if he files a “stipulation of dismissal signed by all parties who have appeared.”

16. Accordingly, this stipulation of dismissal terminates the Dismissal Motion.

DATED: October 11, 2017

Respectfully submitted,

WILLIAM T. NEARY  
UNITED STATES TRUSTEE

/s/ Lisa L. Lambert

Lisa L. Lambert  
Assistant U.S. Trustee  
TX SBN 11844250 and NY  
Office of the United States Trustee  
1100 Commerce Street, Room 976  
Dallas, Texas 75242  
[Lisa.L.Lambert@usdoj.gov](mailto:Lisa.L.Lambert@usdoj.gov)  
(214) 767-1080

**AGREED AS TO SUBSTANCE AND FORM.**

FOR HARLEY REGINALD McDANIEL, SR, DEBTOR

Warren V. Norred (by permission LLL)

Warren V. Norred  
TX SBN 24045094  
Norred Law, PLLC  
200 E. Abram, Suite 300  
Arlington, TX 76010  
[wnorred@norredlaw.com](mailto:wnorred@norredlaw.com)  
(817)704-3984

FOR MANNATECH, INC., CREDITOR

Mark Stromberg (by permission LLL)

Mark Stromberg  
TX SBN 19408830  
Stromberg Stock  
8750 N Central Expwy, Ste 625  
Dallas, TX 75231  
(972) 458-5335  
[mark@strombergstock.com](mailto:mark@strombergstock.com)

**Certificate of Service**

I, Lisa L. Lambert, certify that on October 12, 2017, a copy of this stipulation was served by ECF notification on all parties filing a responsive pleading and all parties filing notices of appearance at the email addresses reflected below. In addition, on October 12, 2017, a first class mail copy was served on the Debtor at the mailing address listed below.

**Warren V. Norred**

Norred Law, PLLC  
200 E. Abram, Suite 300  
Arlington, TX 76010  
[wnorred@norredlaw.com](mailto:wnorred@norredlaw.com)

**Mark Stromberg**

Stromberg Stock  
Northpark Center  
8750 N Central Expwy, Ste 625  
Dallas, TX 75231  
[mark@strombergstock.com](mailto:mark@strombergstock.com)

**Areya Holder, Chapter 7 Trustee**

Law Office of Areya Holder, P.C.  
800 W. Airport Freeway Suite 800  
Irving, TX 75062  
[trustee@holderlawpc.com](mailto:trustee@holderlawpc.com)  
[areya@holderlawpc.com](mailto:areya@holderlawpc.com)

**Stephen A. Roberts**

Strasburger & Price, LLP  
720 Brazos Street, Suite 700  
Austin, TX 78701  
[stephen.roberts@strasburger.com](mailto:stephen.roberts@strasburger.com)

**Harley Reginald McDaniel, Sr.**

4 Woodland Drive  
Mansfield, TX 76063  
(Mail)